

**Notice of Allowability**

Application No.

10/070,221

Examiner

CANH LE

Applicant(s)

TAKATORI ET AL.

Art Unit

2439

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/08/2011.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 11-13,15-19,21,24-27 and 31.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Canh Le/  
Examiner, Art Unit 2439

Art Unit: 2439

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jason Eisenberg on Wednesday 09/28/2011.

The newly amended claim as authorized by Applicant immediately as following:

**18. (Currently Amended).** A communications device, comprising:

a receiver operable to receive, from a host computer, a second request for information regarding authentication of a user at a service device, wherein the second request is in response to a first request from the service device, and the first request is in response to a transaction at the service device, wherein the transaction has a numeric value associated with it;

a storage device operable to store information regarding the authentication of the user; and a transmitter operable to transmit information regarding the authentication of the user, stored in the storage device, to the host computer in response to receiving the second request for information regarding the authentication of the user;

wherein the communications device is a mobile communications device,

wherein the second request for information is received after the transaction has been authenticated when a first one of a plurality of independent authentication levels is used for the

Art Unit: 2439

transaction in response to determining that the numeric value is below a first threshold amount, and

wherein the second request for information is received before the transaction has been authenticated when a second one of the plurality of independent authentication levels is used for the transaction in response to determining that the numeric value is above the first threshold amount and is less than or equal to a second threshold amount, wherein the first threshold amount is less than the second threshold amount.

#### **DETAILED ACTION**

This Office Action is in response to the application filed on 07/08/2011.

Applicant's amendment of the specifications in the reply on 07/08/2011 is acknowledged.

Claims 1-10, 14, 20, 22-23, and 28-30 have been cancelled.

Claims 11-13, 17-18, 21, 24-26, and 31 have been amended.

Claims 11-13, 15-19, 21, 24-27, and 31 have been examined and are pending.

#### ***Reasons for Allowance***

Claims 11-13, 15-19, 21, 24-27, and 31 are allowed.

The following is an examiner's statement for reasons for allowance:

The prior art of record, either singularly or in combination, failed to teach the combination of the invention as claimed in independent claims 11, 17, and 21. For example, it failed to teach *"a transmitter configured to transmit a second request for user identification*

Art Unit: 2439

*information to a mobile communications device in response to receiving the first request, such that the mobile communications device is configured to transmit, in response to the second request, user identification information to the receiver; and a comparing device configured to compare the user identification information and authentication information to generate comparison results; wherein authentication of the transaction is performed before confirming the transaction with the user in response to determining that the price is below a first threshold amount, which corresponds to a first authentication level, wherein authentication of the transaction is performed after confirming the transaction with the user in response to determining that the price is above the first threshold amount and is less than or equal to a second threshold amount, which corresponds to a second authentication level, wherein the first threshold amount is less than the second threshold amount.”* This feature in light of other features describes in the independent claims 11, 17, and 21 are allowable over the prior art of record.

The prior art of record, either singularly or in combination, failed to teach the combination of the invention as claimed in independent claim 18. For example, it failed to teach *“a receiver operable to receive, from a host computer, a second request for information regarding authentication of a user at a service device, wherein the second request is in response to a first request from the service device, and the first request is in response to a transaction at the service device, wherein the transaction has a numeric value associated with it; wherein the communications device is a mobile communications device, wherein the second request for information is received after the transaction has been authenticated when a first one of a*

Art Unit: 2439

*plurality of independent authentication levels is used for the transaction in response to determining that the numeric value is below a first threshold amount, and wherein the second request for information is received before the transaction has been authenticated when a second one of the plurality of independent authentication levels is used for the transaction in response to determining that the numeric value is above the first threshold amount and is less than or equal to a second threshold amount, wherein the first threshold amount is less than the second threshold amount.*” This feature in light of other features describes in the independent claim 18 are allowable over the prior art of record.

Claims 12-13, 15-16, and 31 depend on claim 11, and are therefore considered as allowable claims.

Claims 24-27 depend on claim 17, and are therefore considered as allowable claims.

Claim 19 depends on claim 18, and are therefore considered as allowable claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Canh Le whose telephone number is 571-270-1380. The examiner can normally be reached on Monday to Friday 7:30AM to 5:00PM other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Orgad Edan can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2439

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Canh Le/

Examiner, Art Unit 2439

September 28, 2011

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2439